

REMARKS

Entry of this Amendment, reconsideration of the restriction requirement and allowance of the above-captioned patent application are respectfully requested. This application relates to the treatment of Alzheimer's disease and related condition.

Claims 1, 3 to 9 and 11 to 13 are currently pending in the application and have been subject to restriction and/or election requirement.

This amendment cancels Claims 1, 3, 4 and 8. Claim 5 has been rewritten in independent form having its original scope as filed. Claims 6, 7, 9 and 11 have been rewritten to depend from claim 5. Claim 7 also incorporates the limitations from Claim 8. Claim 13 has been amended to add a period at the end. Upon entry of this Amendment, claims in the application will be Claims 5 to 7, 9 and 11 to 13.

The Examiner requires election of one of the groups as outlined at pages 2 to 3 of the Office action dated September 3, 2008. The Examiner also requires provisional election of a single species for prosecution.

In response, applicants elect Group II, without traverse. Applicants acknowledge the Advisory of Rejoinder beginning at page 9 of the Office action stating that process claims commensurate in scope with allowed product claims will be rejoined pursuant to M.P.E.P. § 821.04.

In response to the species election requirement, applicants elect Example 13, which is described at page 55 of the specification, without traverse. This provisional election of species is being made for purposes of facilitating the Examiner's search in accordance with the procedures set forth in M.P.E.P. § 803.02. Group II claims encompassing the elected specie are 5, 6, 7 and 9. Claim 11 encompasses the elected specie as part of a pharmaceutical composition.

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In view of the action taken, it is believed that applicants have satisfied the restriction requirement and the species election. An early and favorable examination is earnestly solicited. Any fees required in connection to this Response may be taken from Merck Deposit Account No. 13-2755.

Respectfully submitted,

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